

RESPONSE TO ELECTION  
OF SPECIES REQUIREMENT  
U.S. Appln. No. 09/961,086

REMARKS

Claims 5-7 and 38-54 are pending. Claims 39-40, 45-47 and 52-54 are withdrawn from consideration. Claims 5-7, 38, 41-44 and 48-51 are currently under prosecution. Claims 41-44 and 48-51 are subject to an election of species requirement.

On page 2 of the Office Action, the Examiner issues an election of species requirement to one of the following species, recited in Claims 41, 44, 48 and 51:

- (a) the Walker A motif of the polypeptide of SEQ ID NO:1, consisting of amino acid residues from position 79 to position 86 of SEQ ID NO:1;
- (b) the phosphopantetheine site of the polypeptide of SEQ ID NO:1, consisting of amino acid residues from position 213 to position 227 of SEQ ID NO:1;
- (c) the first transmembrane domain of the polypeptide of SEQ ID NO:1, consisting of amino acid residues from position 396 to position 414 of SEQ ID NO:1;
- (d) the second transmembrane domain of the polypeptide of SEQ ID NO:1, consisting of amino acid residues from position 538 to position 554 of SEQ ID NO:1; or
- (e) the third transmembrane domain of the polypeptide of SEQ ID NO:1, consisting of amino acid residues from position 630 to position 647 of SEQ ID NO:1.

Accordingly, Applicants hereby elect an antibody which binds to species (a): the Walker A motif of the polypeptide of SEQ ID NO:1, consisting of amino acid residues from position 79

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to position 86 of SEQ ID NO:1, with traverse, on the basis that the restricted amino acid sequences are very closely related, and are portions of the same polypeptide BCRP as described in SEQ ID NO:1. Thus, the search of each of the restricted amino acid sequences together would not represent an undue burden on the Examiner. Hence, the Examiner is requested to withdraw the election of species requirement.

In any event, Applicants note that the Examiner indicated that upon allowance of a generic claim Applicants will be entitled to consideration of claims to additional species.

Claims 5-7, 38, 41-44 and 48-51 read on the elected species.

The Examiner is invited to contact the undersigned at the below listed number on any questions which might arise.

Respectfully submitted,

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